



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

October 11, 2004

LETTER OF DEFICIENCY #WSEB 04-169
Certified Mail #7000 0600 0023 9933 7692

Martin Laliberte
167 Rockingham Road
Auburn, NH 03032-3961

Subject: Auburn - Public Water System: Auburn Pitts Bar & Grill (EPA# 0138050)

Dear Mr. Laliberte:

The records of the NH Department of Environmental Services (DES) show that the Auburn Pitts Bar & Grill water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people for 60 or more days per year. As such, the water system owner is required to submit chemical samples according to the system's established sampling schedule to the State laboratory or a State-certified laboratory in compliance with NH Administrative Rule Env-Ws 326.

DES records show that the subject water system failed to submit the following chemical sample results for the following monitoring period (calendar quarter).

Quarter 2 – 2004 Nitrate
Quarter 2 – 2004 Nitrite

As a result of the failure to submit the above-described samples, a Notice of Violation (NOV), dated August 27, 2004, was sent to you. The NOV requested that you immediately submit the above-described samples as make-up samples. To date, DES has not received the make-up sample results, thus placing the water system in violation of Env-Ws 326.

DES records also indicate that the water system failed to submit a water sample for bacteria analysis during the assigned sampling month of July 2004. Another NOV, dated September 30, 2004, was sent to you regarding the failure to submit the bacteria sample. This NOV requested that a bacteria sample be collected immediately and that public notice be performed for the failure to collect the bacteria sample in July. To date, neither the bacteria sample result nor the proof of public notice has been received by DES.

DES believes the monitoring/reporting deficiencies can be addressed by taking the following actions:

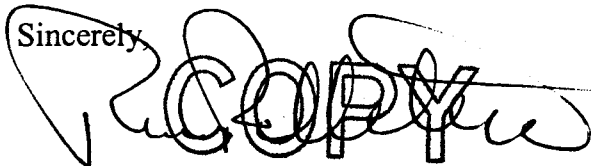
1. **By October 29, 2004**, submit a nitrate and a nitrite sample to the State laboratory or a State-certified laboratory. Please use the enclosed analysis result form when submitting the samples to your laboratory and mark the samples as "make-up" samples.

2. **By October 29, 2004**, submit a bacteria sample to the State laboratory or a State-certified laboratory. Please use the enclosed analysis result form when submitting the bacteria sample to your laboratory.
3. **By October 29, 2004**, carry out the public notice requirements for the July 2004 bacteria sampling violation and provide proof of public notice to DES, as explained on the enclosed public notice template form.

In the event compliance is not achieved within this period, DES may initiate formal action against you, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

To avoid future violations, please submit water samples according to the water system's Master Sampling Schedule, a copy of which is enclosed.

If you have any questions regarding this letter, please contact Alan Leach at (603) 271-2854 or by email at aleach@des.state.nh.us.

Sincerely,


Rene Pelletier, P.G., Manager
Land Resource Programs

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Encls: Analysis Request Forms
Bacteria Public Notice Template
Master Sampling Schedule

cc: Gretchen Hamel, DES Legal Unit Administrator (w/o encl.)
Elizabeth Smiley, Town of Auburn Health Officer (w/o encl.)
Michael Huot, Sampling Agent
EPA, Region 1 (w/o encl.)